



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 13, 1998

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1546
Austin, Texas 78767-1546

OR98-0697

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113321.

The Austin Police Department (the "department") received a request for records of a specified case concerning charges against the Austin School of Massage Therapy, from September 1997, for "verbal assault, harassment and calling the police on false allegations which lead to a wrongful arrest and a great deal of physical harm." You claim that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.

Section 552.108 provides in part:


(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication

We agree that the department has shown the applicability of section 552.108(a) of the Government Code to the information at issue, since it involves a pending case. *See* Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). We note that the department has discretion to release all or part of the information at issue that is not otherwise made confidential by law. Gov't Code § 552.007

You state that you have released the "first page" information. We note that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense and arrest report information even if this information is not actually located on the front page of the offense report. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information, including detailed description of offense). Therefore, we conclude that, except for the front page information, the department may withhold the requested information from disclosure under section 552.108(a)(1). Although section 552.108 authorizes you to withhold the remaining requested information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Re: ID# 113321

Enclosures: Submitted documents

cc: Ms. Bonnie A. Marston
1024 Valley Forge
Shertz, Texas 78154
(w/o enclosures)

¹Because the requested information may be withheld under section 552.108, we need not address your section 552.103 argument. We note that basic information in an offense report generally may not be withheld under section 552.103. Open Records Decision No. 597 (1991).